



Spencer Nunn, Jr. appeals the revocation of his probation. We affirm.

### **DISCUSSION AND DECISION**

Nunn pled guilty to child molesting in December 2004. He was sentenced to six years with two years executed in community-corrections and four years of probation. Nunn was also required to submit to a sex offender evaluation and “fully comply with all recommendations.” (App. at 46.) On June 22, 2006, the State alleged Nunn had violated his probation. After a hearing, the court found Nunn had violated his probation and ordered him to serve three-and-one-half years in the Department of Correction.

Probation is a conditional liberty that is a privilege, not a right. *Hubbard v. State*, 683 N.E.2d 618, 620 (Ind. Ct. App. 1997). The decision whether to revoke probation is a matter addressed to the sole discretion of the trial judge. *Id.* We will affirm revocation if, considering only the probative evidence and reasonable inferences therefrom, there is sufficient evidence supporting the conclusion the probationer violated any condition of his probation. *Id.* We will neither weigh the evidence nor assess witness credibility. *Id.* A revocation hearing is civil in nature and requires proof by a preponderance of the evidence. *Wilson v. State*, 708 N.E.2d 32, 34 (Ind. Ct. App. 1999). Violation of a single condition of probation is sufficient to permit revocation. *Id.*

The court heard testimony from Nunn’s therapist regarding Nunn and his responsibilities in probation. The therapist testified the touching of the children, the use of alcohol, and the use of pornography were each violations of Nunn’s court-ordered treatment program and grounds for discharge from the program. She then testified Nunn “acknowledged that he had re-offended and touched two children, family members [in a

sexual way].” (Tr. at 6.) He also admitted to watching pornography on a daily basis, “actively masturbating to the thoughts of his past victim and current victims,” (*id.* at 8), and drinking alcohol every other day. A polygraph operator employed by the mental health treatment center testified Nunn made similar statements during a “sexual disclosure polygraph.” (*Id.* at 19.)

This evidence was sufficient to establish, by a preponderance of the evidence, Nunn violated the conditions of his probation. The trial court did not abuse its discretion in revoking Nunn’s probation.

Affirmed.

MATHIAS, J., and NAJAM, J., concur.